

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MORIAH MELISSA OJEDA,

Defendant.

CR-11-58-GF-BMM

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on January 3, 2019. (Doc. 67.) Defendant Moriah Melissa Ojeda waived her right to object to Judge Johnston's Findings and Recommendations. (Doc. 67 at 3.) The Court will review Judge Johnston's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on July 10, 2018, and on January 3, 2019. (Docs. 56, 66.) The United States accused Ojeda of violating her conditions of supervised release by failing to: 1) by committing another crime, and 2) by using methamphetamine. (Doc. 67 at 2.) Ojeda admitted to both violations of her supervised release. (Doc. 67 at 2.)

Judge Johnston recommended that the Court revoke Ojeda's supervised release. (Doc. 67 at 3.) Judge Johnston further recommended that the Court commit Ojeda to the custody of the Bureau of Prisons for a period of time served followed by twenty-eight months of supervised release. (Doc. 67 at 3.) Judge Johnston recommended that the supervised release conditions previously imposed should be continued. (Doc. 67 at 3.)

The Court finds no clear error in Judge Johnston's Findings and Recommendations. Ojeda's violations represent a serious breach of the Court's trust. A custodial sentence of time served followed by twenty-eight months of supervised release is a sufficient, but not greater than necessary sentence.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 67) is ADOPTED IN FULL.

IT IS FURTHER ORDERED that Defendant Moriah Melissa Ojeda is committed to the custody of the United States Bureau of Prisons for period of time served, with twenty-eight months of supervised release to follow. Ojeda's supervised release conditions previously imposed shall continue to be imposed.

DATED this 4th day of January, 2019.



Brian Morris
United States District Court Judge